

ELECTION
POLL BOOK,

Second DISTRICT,

WARD,

TOWN OR CITY OF Somers
Ulster COUNTY.

1898.

Filed march 2 1898

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Clerk

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ELECTION POLL BOOK,

STATE OF NEW YORK.

Adapted to the Election Law, Chap. 909, Laws of 1896,
Constituting Chapter Six of the General Laws.

Defining the Duties of Inspectors, Ballot Clerks, Poll Clerks
and Watchers on Election Day, from the
Opening to the Closing of the Polls.

COMPILED BY
WILLIAM J. HALPEN.

ALBANY, N. Y.:
WEED-PARSONS PRINTING COMPANY.
1896.

DUTIES OF INSPECTORS, BALLOT, POLL CLERKS AND
WATCHERS ON ELECTION DAY.

CHAPTER 909, LAWS 1896.

SEC. 13. Vacancy in poll and ballot clerks in towns.—If at any time of any election at which poll clerks and ballot clerks are required to be present at the polling place in any election district, the office of a poll clerk or of a ballot clerk of such district shall be vacant, or a poll clerk or ballot clerk shall be absent, the inspectors of election in such district shall forthwith appoint a person to fill such vacancy. Such person so appointed shall, before he acts as such poll clerk or ballot clerk, take the constitutional and statutory oaths of office.

§ 14. Organization of boards of inspectors; supplying vacancies and absences.—Before otherwise entering upon their duties, the inspectors of each district shall meet and appoint one of their number chairman; or, if a majority shall not agree upon such appointment, they shall draw lots for that position. If at the time of any meeting of the inspectors there shall be vacancy in the office of any inspector, or if any inspectors shall be absent from any such meeting, the inspector or inspectors present shall appoint a qualified elector of the district, who shall be a member of the same political party as the absent inspector, to act until such absent inspector, or his successor duly appointed under the provisions of section twelve, shall appear; and such person, if so serving temporarily, shall serve without pay. If, at any such time, the offices of all inspectors are vacant, or no inspector shall appear within one hour after the time fixed by law for the opening of such meeting, the qualified voters of the district present, not less than ten, may designate four qualified electors of the district belonging to the political parties as specified in section eleven, to fill such vacancies, or to act in the place of such inspectors respectively, until the absent inspectors respectively appear. If at any time there shall be a vacancy in the office of any poll clerk or ballot clerk, or if any poll clerk or ballot clerk shall be absent from such meeting, the inspector or inspectors present shall appoint a qualified elector of the district, who shall be a member of the same political party as the absent poll clerk or ballot clerk to fill such vacancy. Every person so appointed or designated to act as an inspector, poll clerk or ballot clerk shall take the constitutional and statutory oaths as prescribed by the election law.

§ 15. Preservation of order by inspectors.—All meetings of the board of inspectors shall be public. Such board and each individual member thereof shall have full authority to preserve peace and good order at such meetings, and around the polls of elections, and to keep the access thereto unobstructed, and to enforce obedience to their lawful commands. The said board may appoint one or more electors to communicate their orders and directions, and to assist in the performance of their duties in this section enjoined. If any person shall refuse to obey the lawful commands of the inspectors, or by disorderly conduct in their presence or hearing shall interrupt or disturb their proceedings, they shall make an order directing the sheriff or any constable of the county, or any peace or police officer to take the person so offending into custody and retain him until the registration of electors, or the canvass of the votes shall be completed, but such order shall not prohibit the person taken into custody from voting. Such order shall be executed by any sheriff, constable, peace or police officer, to whom the same shall be delivered. But if none shall be present, then by any other person deputed by such board in writing. The said board or any member thereof, may order the arrest of any person other than an election officer violating or attempting to violate, any of the provisions of this election law.

§ 100. Opening the polls.—The inspectors of election, poll clerks and ballot clerks of each election district shall meet at the polling place therein at least one-half hour before the time set for opening the polls at each election for which official ballots are required to be provided, and shall proceed to arrange the space within the guard rail and the furniture thereof, including the voting booths, for the orderly and legal conduct of the election. The inspectors of election shall then and there have the ballot boxes required by law for the reception of ballots to be voted therat; the box for the reception of ballots found to be defective in printing or mutilated, before delivery to, and ballots spoiled and returned by electors; the box for the stubs of voted and spoiled ballots, the sealed packages of official ballots, sample ballots and instruction cards and distance markers, poll books, tally-sheets, return sheets and other stationery required to be delivered to them for such election; and if it be an election at which registered electors only can vote, the register of such electors required to be made and kept therefor. The inspectors shall thereupon open the sealed packages of instruction cards and cause them to be posted conspicuously, at least one, and if printed in different languages, at least one of each language, in each of the voting booths of such polling place, and at least three of each language in which they are printed in or about the polling place; shall open the sealed packages of official ballots and sample ballots, and place them in charge of the ballot clerks, and shall place the poll-books in charge of the poll clerks, and shall cause to be placed, at a distance of one hundred feet from the polling place the visible markers designated herein as "distance markers," to prohibit "loitering or electioneering" within such distance. They shall also, before any ballots are cast, see that the voting booths are supplied with pencils having black lead only, unlock the ballot boxes, see that they are empty, allow the watchers present to examine them, and shall lock them up again while empty in such manner that the watchers present and persons just outside the guard-rail can see that such boxes are empty when they are relocked. After such boxes are so relocked they shall not be unlocked or opened until the closing of the polls of such election, and, except as authorized by law, no ballots or other matter shall be placed in them after they are so relocked and before the announcement of the result of such canvass and the signing of the original statement of canvass and the two certified copies thereof. The instruction cards and distance markers posted as provided by law shall not be taken down, torn nor defaced during such election. The ballot clerks, with the official and sample ballots; the inspectors, with such boxes and register of electors, and the poll clerks, with their poll-books, shall be stationed as near each other as practicable within such enclosed space. One of the inspectors shall then make proclamation that the polls of the election are open, and of the time o'clock in the afternoon when the polls will be closed.

§ 101. Persons within the guard-rail.—From the time of the opening of the polls until the announcement of the result of the canvass of the votes cast therat, and the signing of the official returns or statements of such canvass and the copies thereof, the boxes and all official ballots shall be kept within the guard-rail. No person shall be admitted within the guard-rail during such period, except inspectors, poll clerks, ballot clerks, duly authorized watchers, persons admitted by the inspectors to preserve order or enforce the law, persons duly admitted for the purpose of voting; provided, however, that candidates for public office voted for at such polling place may be present at the canvass of the votes.

§ 102. Watchers; challengers; electioneering.—Each political party or independent body duly filing certificates of nomination of candidates for offices to be filled at any such election, may, by a writing signed by the duly authorized county, city, town or village committee of such political party or independent body, or by the chairman or secretary thereof charged with that duty and delivered to one of the inspectors of election, appoint not more than two watchers to attend each polling place thereof. Such committee, chairman or secretary thereof for a city, county, town or village shall not appoint watchers for any polling place outside of such city, county, town or village, respectively. Such watchers may be present at such polling place, and within the guard rail, from at least fifteen minutes before the unlocking and examination of any ballot box at the opening of the polls of such election, until after the announcement of the result of the canvass of the votes cast therat, and the signing of the original statement of canvass and copies thereof by the inspectors. A reasonable number of challengers, at least one person of each such party or independent body, shall be permitted to remain just outside the guard-rail of each such polling place, and where they can plainly see what is done within such rail outside the voting booths, from the opening to the closing of the polls therat. No person shall, while the polls are open at any polling place, do any election-

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ering within such polling place, or within one hundred feet therefrom, in any public street, or in any building or room or in a public manner, and no political banner, poster or placard shall be allowed in or upon such polling place during any day of registration or of the election.

§ 103. **General duties of election officers.**—Subdivision 1. One of the inspectors of election at each polling place shall be designated by the board of inspectors of election to receive the ballots from the electors voting; or if the majority of the inspectors shall not agree to such designation, they shall draw lots for such position. If it be an election for which electors are required to be registered, the other inspectors shall before any ballots are delivered by the ballot clerks to an elector, ascertain whether he is duly registered. The ballot clerks shall not deliver any ballot to such elector until the inspectors announce that he is so registered. As each elector votes, the inspectors shall check his name upon such register and shall enter therein in the column provided therefor opposite the name of such elector, the consecutive number upon the stub of the ballot or set of ballots voted by him. The inspector shall forthwith upon detaching the stub from any official ballot deposit the same in the box provided for detached stubs. In all proceedings of the inspectors acting as registrars, inspectors or canvassers, they shall act as a board, and, in case of a question arising, as to matters which may call for a determination by them, a majority of such board shall decide.

Subdivision 2. In addition to the duties hereinbefore enjoined upon them, the ballot clerks shall deliver official ballots to the electors in such order that the numerical order of the numbers printed on the stubs of the ballots so delivered, shall be the same as the order of the successive deliveries thereof, the ballot numbered one on the stub being first delivered and so on. If, in addition to the general ballots there shall be a ballot containing a proposed constitutional amendment or other proposition or question, the ballots shall be delivered to the electors in such order that the numbers upon the stubs of both ballots so delivered shall be the same. If, in a case where more than one ballot is to be voted, the elector shall spoil one of a set of ballots, and shall be entitled to receive a new set under the provisions of this act, he shall return the spoiled set to the ballot clerks before new ballots are furnished to him. In case one of a set of ballots bearing the same number shall be found defective in printing or mutilated before the same is given to the elector, both ballots of that number shall have the stubs removed therefrom by the ballot clerks and such ballots shall be deposited in the box for spoiled and mutilated ballots, and the stubs in the box for detached stubs, and a memorandum shall be made by the ballot clerks of the number on such ballots and the fact that the set was not delivered to electors because defective in printing or mutilated. The ballot clerks shall, upon the delivery of official ballots to each elector, announce the elector's name and the number printed on the stub of each ballot so delivered. Upon the return of a ballot or set of ballots to them unvoted by any elector, they shall announce the name of the elector returning them and the printed number on the stubs of the ballots so returned, and shall at once remove the stubs from such returned ballots and deposit such stubs in the box for detached stubs, and such ballots in the box for spoiled and mutilated ballots. A memorandum shall be made by them of the number on such ballots, and of the fact that they were returned spoiled by electors. They shall immediately upon the closing of the polls take from the box containing them the spoiled and mutilated ballots, and after comparing the number thereof with the record of the same, made during the day, shall destroy them; and shall thereupon prepare and sign a written statement or return of ballots in the form provided for in section eighty-four of the election law. The original statement so made by them shall be attached to the original statement of the canvass made by the board of inspectors and a copy thereof to each copy of such original statement of canvass. They shall inclose all unused ballots, and all detached stubs, in a sealed package, and deliver the same to the chairman of the board of inspectors.

Subdivision 3. Each poll clerk at each polling place for which official ballots are required to be provided, shall have a poll-book for keeping the list of electors voting or offering to vote therat at the election. Such book shall have six columns headed respectively, "Number of elector," "Names of electors," "Residence of electors," "Number on ballots delivered to electors," "Number on ballots voted" and "Remarks." Upon each delivery of an official ballot or set of official ballots by the ballot clerks to an elector, each poll-clerk shall enter upon his poll-book in the appropriate column, the number of the elector, in the successive order of the delivery of the ballots thereto, the name of the elector, in the alphabetical order of the first letter of his surname, his residence by street and number, or if he have no street number, a brief description of the locality thereof, the printed number upon the stub of the ballots delivered to such elector, and the number on the ballots voted by him. If the ballot or set of ballots delivered to any elector shall be returned by him to the ballot clerk, and he shall obtain a new ballot or set of ballots, the poll-clerks shall write opposite his name on the poll-books, in the proper column, the printed number on the stubs of such ballot or additional set of ballots. Each poll-clerk shall make a memorandum upon his poll-book opposite the name of such person who shall have been challenged and taken either of the oaths prescribed upon such challenge, or who shall have received assistance in preparing his ballot and shall also enter upon the poll-book opposite the name of such person the names of the election officers or persons who render such assistance, and the cause or reason assigned for such assistance by the elector assisted. As each elector offers his ballot or set of ballots which he intends to vote to the inspector, each poll-clerk shall report to the inspectors whether the number entered on the poll-book kept by him as the number on the ballot or set of ballots last delivered to such elector, is the same as the number on the stub of the ballot or set of ballots so offered. As each elector votes, each poll-clerk shall enter in the proper column on his poll-book the number on the stub of the ballots voted. Upon the close of the polls of the election, the poll clerks and inspectors shall compare the poll books with the registers and correct any mistakes found therein. The poll-clerks shall also during the canvass of the votes, as prescribed by section one hundred and ten of the election law, make and complete the tally sheets of the votes in the form provided by section eighty-four of the election law.

§ 104. **Delivery of ballots to electors.**—Subdivision 1. While the polls of the election are open, the electors entitled to vote and who have not previously voted therat, may enter within the guard-rail at the polling place of such election for the purpose of voting, in such order that there shall not at any time be within such guard-rail more than twice as many electors as there are voting booths therat, in addition to the persons lawfully within such guard-rail for other purposes than voting. The elector shall enter within the guard-rail through the entrance provided, and shall forthwith proceed to the inspectors and give his name, and, if in a city or village of five thousand inhabitants or over, his residence by street and number, or if it have no street number, a brief description of the locality thereof and if required by the inspectors shall state whether he is over or under twenty-one years of age. One of the inspectors shall thereupon announce the name and residence of the elector in a loud and distinct tone of voice. No person shall be allowed to vote in any election district at any election where electors are required to be registered unless his name shall be upon the registration books of such election district. The right of any person to vote, whose name is on such register, shall be subject to challenge. If such elector is entitled to vote therat, and is not challenged, or if challenged and the challenge be decided in his favor, one of the ballot clerks shall then deliver to him one official ballot or a set of official ballots, folded by such ballot clerk in the proper manner for voting, which is: First, by bringing the bottom of the ballot up to the perforated line, and second by folding both sides to the center, or towards the center, in such manner that when folded the face of each ballot shall be concealed, and the printed number on the stub and the indorsement on the back of the ballot shall be visible, so the stub can be removed without removing any other part of the ballot, and without exposing any part of the face of the ballot below the stub, and so that when folded the ballot shall not be more than four inches wide. No person other than an inspector or ballot clerk shall deliver to any elector within such guard-rail any ballot, and they shall deliver only such ballots as the voter is legally entitled to vote, and also the sample ballot when the same is asked for.

Subdivision 2. Any elector who shall, at the time of registration, have made oath of physical disability or illiteracy, as prescribed by the third subdivision of section thirty-four of the election law; or, who, being duly registered, in an election district where personal registration by all electors is required by law, shall state under oath, to the inspectors of election, on the day of election, that, by reason of some accident, the time and place of which he must specify, or of disease, the nature of which he must also specify, he has, since the day upon which he registered, lost the use of both hands, or become totally blind, or afflicted by such degree of blindness as will prevent him, with the

aid of glasses, from seeing the names printed upon the official ballot, or so crippled that he can not enter the voting booth and prepare his ballot without assistance; or any elector in an election district who is not required by law to personally register, who is unable to write by reason of illiteracy, or is physically disabled in one or more ways described in the third subdivision of section thirty-four of the election law, and who shall make the statement under oath to the inspectors in the form required in said subdivision, may choose two of the election officers, both of whom shall not be of the same political faith, to enter the booth with him, to assist him in preparing his ballots. At any town meeting or village election, where the election officers are all of the same political faith, any elector entitled to assistance as herein provided may select one of such election officers and one elector of such town or village of opposite political faith from such election officer so selected, to render such assistance. Such election officers or persons assisting an elector shall not in any manner request or seek to persuade or induce any such elector to vote any particular ticket, or for any particular candidate, and shall not keep or make any memoranda or entry of anything occurring within the booth, and that he will not, directly or indirectly, reveal to any person the name of any candidate voted for by any elector or which ticket he has voted, except they be called upon to testify in a judicial proceeding for a violation of this act, and each election officer, before the opening of the polls for the election, shall make oath that he "will not in any manner request, or seek to persuade, or induce any elector to vote any particular ticket or for any particular candidate, and that he will not keep or make any memoranda or entry of anything occurring within the booth, and that he will not, directly or indirectly, reveal to any person the name of any candidate voted for by any elector or which ticket he has voted, or anything occurring within the voting booth, except he be called upon to testify in a judicial proceeding for a violation of the election law." The same oath shall be taken by any elector rendering such assistance, as provided for above, and any violation of this oath shall be a felony punishable upon conviction by imprisonment in a state prison for not less than two nor more than ten years. No elector shall otherwise ask or receive the assistance of any person within the polling place in the preparation of his ballot, or divulge to anyone within the polling place the name of any candidate for whom he intends to vote or has voted.

§ 105. **Preparation of ballots by electors.**—On receiving his ballot the elector shall forthwith and without leaving the inclosed space, retire alone to one of the voting booths, and without undue delay, unfold and mark his ballot as hereafter described. No elector shall be allowed to occupy a booth already occupied by another, or to occupy a booth more than five minutes in case all the booths are in use and electors waiting to occupy the same. It shall not be lawful to make any mark upon the official ballot other than the cross X mark used for the purpose of voting, with a pencil having black lead, and that only in the circles or in the voting spaces to the left of the names of candidates, or to write anything thereon other than the name or names of persons not printed upon the ballot for whom the elector desires to vote in the blank column under the proper title of the office; nor shall it be lawful to deface or tear a ballot in any manner, nor to erase any printed device, figure, letter or word therefrom, nor to erase any name or mark written thereon by such elector. Any ballot upon which there shall be found any mark other than the cross X mark used for the purpose of voting, or a name or names written otherwise than as heretofore provided, and any ballot which shall be found to be defaced or torn, or from which there shall have been erased any device, figure, letter or word, or which shall have been marked or written upon other than by a pencil having black lead, shall be wholly void and no vote thereon shall be counted. If an elector deface or tear a ballot or one of a set of ballots, or wrongly marks the same, he may successfully obtain others, one set at a time, not exceeding in all three sets, upon returning each set of ballots so defaced or wrongly marked to the ballot clerks. The elector shall observe the following rules in marking his ballot.

1. If the elector desires to vote a straight ticket, that is, for each and every candidate of one party for whatever office nominated, he shall make a cross X mark in the circle above the name of the party at the head of the ticket.

2. If the elector desires to vote a split ticket, that is, for candidates of different parties, he must not make a cross X mark in the circle above the name of any party, but shall make a cross X mark in the voting space before the name of each candidate for whom he desires to vote on whatever ticket he may be.

If the ticket marked in the circle for a straight ticket, does not contain the names of candidates for all offices for which the elector may vote, he may vote for candidates for such offices so omitted by making a cross X mark before the names of candidates for such offices on other tickets, or by writing the names, if they are not printed upon the ballot, in the blank column under the title of the office. If the elector desires to vote for any person whose name does not appear upon the ballot, he can so vote by writing the name with a pencil having black lead in the proper place in the blank column. The elector can vote blank for any office by omitting to make a cross X mark in any circle, and by making a cross X mark in the voting space before the name of every candidate he desires to vote for, except for the office for which he desires to cast a blank vote. In the case of a question submitted, the elector shall make a cross X mark in the blank square space on the right of and after the answer "Yes" or "No," which he desires to give on each such question submitted. One straight line crossing another straight line at any angle within a circle, or within the voting spaces, shall be deemed a valid voting mark.

§ 106. **Manner of voting.**—When the ballot or ballots which an elector has received shall be prepared as provided in section one hundred and five of this act, he shall leave the voting booth with his ballot folded so as to conceal the face of the ballot, but show the indorsement and fac simile of the signature of the official on the back thereof, and, keeping the same so folded, shall proceed at once to the inspector in charge of the ballot box, and shall offer the same to such inspector. Such inspector shall announce the name of the elector and the printed number on the stub of the official ballot so delivered to him in a loud and distinct tone of voice. If such elector be entitled then and there to vote, and be not challenged, or if challenged, and the challenge be decided in his favor, and if his ballot or ballots are properly folded, and have no mark or tear visible on the outside thereof, except the printed number on the stub and the printed indorsement on the back, and if such printed number is the same as that entered on the poll-books as the number on the stub or stubs of the official ballot or set of ballots last delivered to him by the ballot clerks, such inspector shall receive such ballot or ballots, and after removing the stub or stubs therefrom, in plain view of the elector, and without removing any other part of the ballot, or in any way exposing any part of the face thereof below the stub, shall deposit each ballot in the proper ballot box for the reception of voted ballots; and the stubs in the box for detached ballot stubs. Upon voting, the elector shall forthwith pass outside the guard-rail unless he be one of the persons authorized to remain within the guard-rail for other purposes than voting. No ballot without the official indorsement shall be allowed to be deposited in the ballot box except as provided by sections eighty-nine and one hundred and seven of the election law, and none but ballots provided in accordance with the provisions of the election law shall be counted. No official ballot folded shall be unfolded outside the voting booth. No person to whom any official ballot shall be delivered shall leave the space within the guard-rail until after he shall have delivered back all such ballots received by him either to the inspectors or to the ballot clerks, and a violation of this provision is a misdemeanor. When a person shall have received an official ballot from the ballot clerks or inspectors, as hereinbefore provided, he shall be deemed to have commenced the act of voting, and if, after receiving such official ballot, he shall leave the space enclosed by the guard-rail before the deposit of his ballot in the ballot box, as hereinbefore provided, he shall not be entitled to pass again within the guard-rail for the purpose of voting, or to receive any further ballots.

§ 107. **When unofficial ballots may be voted.**—If, for any cause, the official ballots shall not be provided as required by law at any polling place, upon the opening of the polls of an election therat, or if the supply of official ballots shall be exhausted before the polls are closed, unofficial ballots, printed or written, made as nearly as practicable in the form of the official ballot, may be used.

§ 108. **Challenge.**—Subdivision 1.—A person may be challenged either when he applies to the ballot clerk for official ballots, or when he offers to an inspector the ballots he intends to vote, or previously by notice to that effect to an inspector by any elector. The name of the person challenging shall not be disclosed by an election officer unless required by a court or a judicial officer. It

shall be the duty of each inspector to challenge every person offering to vote, whom he shall know or suspect not to be duly qualified as an elector. If any person offering to vote at any election shall be challenged in relation to his right to vote thereat, one of the inspectors shall tender to him the following preliminary oath: "You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector." The inspectors or one of them shall then question the person challenged in relation to his name, his place of residence before he came into that election district; his then place of residence, his citizenship; whether he be a native or naturalized citizen, and if the latter, when, where, and in what court, or before what officer he was naturalized; whether he came into the election district for the purpose of voting at that election; how long he contemplates residing in the election district, and all other matters which may tend to test his qualifications as a resident of the election district, citizenship and right to vote at such election at such polling place. If any person shall refuse to take such preliminary oath when so tendered, or to answer fully any such question which may be put to him, his vote shall be rejected. After receiving the answers of the persons so challenged, the board of inspectors shall point out to him the qualifications, if any, in respect to which he shall appear to them to be deficient.

Subdivision 2. General oath.—If the person so offering to vote, shall persist in his claim to vote, and the challenge be not withdrawn, one of the inspectors shall then administer to him the following general oath: "You do swear (or affirm) that you are twenty-one years of age, that you have been a citizen of the United States for ninety days, and an inhabitant of this state for one year next preceding this election, and for the last four months a resident of this county, and for the last thirty days a resident of this election district, and that you have not voted at this election." If the person so offering to vote shall be challenged for causes stated in section two of article two of the constitution of this state, the following additional oath shall be administered by one of the inspectors: "You do swear (or affirm) that you have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid, or used, any money, or other valuable thing, as a compensation or reward for the giving, or withholding, of a vote at this election, and have not made any promise to influence the giving or withholding of any such vote, and that you have not made, or become directly or indirectly, interested in any bet or wager depending upon the result of this election." If the person so offering to vote shall be challenged on the ground of having been convicted of bribery or any infamous crime, the following additional oath shall be administered to him by one of the inspectors: "You do swear (or affirm) that you have not been convicted of bribery or any infamous crime, or if so convicted, that you have been pardoned and restored to all the rights of a citizen." If any person shall refuse to take either oath so tendered his vote shall be rejected, but if he take the oath or oaths tendered him, his vote shall be accepted.

Subdivision 3. Record of persons challenged.—The inspectors of election shall keep a minute of their proceedings in respect to the challenging and administering oaths to persons offering to vote, in which shall be entered, by one of them, the name of every person who shall be challenged or take either of such oaths, specifying in each case whether the preliminary oath or the general oath, or both were taken. At the close of the election, the inspectors shall add to such minutes a certificate to the effect that the same are all such minutes as to all persons challenged at such election in such district.

§ 110. Canvass of votes. Subdivision 1. **Preparation for canvass.**—As soon as the polls of an election are closed, the inspectors of election thereat shall publicly canvass and ascertain the votes, and not adjourn or postpone the canvass until it shall be fully completed. Any election officer who shall sign any original statement of canvass, or certified copies thereof, at any place other than the polling place, or at any time other than immediately after the canvass is completed, and any election officer or person who shall take from the polling place any such statement before it shall have been signed as herein provided, is guilty of a felony, and shall be punished, upon conviction thereof, by imprisonment in a state prison for not less than two nor more than five years. The room in which such canvass is made shall be clearly lighted, and such canvass shall be made in plain view of the public. It shall not be lawful for any person or persons, during the canvass, to close or cause to be closed, the main entrance to the room in which such canvass is conducted in such manner as to prevent ingress or egress thereby. When two ballot boxes are provided for the reception of two different kinds of ballots voted, the said ballot boxes shall be opened and the ballots therein canvassed in the following order, namely: First, the box containing the general ballots; secondly, the box containing the ballots cast upon any constitutional amendment or other proposition or question. The board of inspectors shall commence the canvass by comparing the two poll books with the registers used on election day, correcting any mistakes therein, and by counting the ballots found in the ballot boxes without unfolding them, except so far as to ascertain that each ballot is single, and by comparing the ballots found in each box with the number shown by the poll books to have been deposited therein. If the ballots found in any box shall be more than the number of ballots so shown to have been deposited therein, such ballots shall all be replaced without being unfolded in the box from which they were taken, and shall be thoroughly mingled therein, and one of the inspectors designated by the board shall, without seeing the same and with his back to the box, publicly draw out as many ballots as shall be equal to such excess and without unfolding them, forthwith destroy them. If two or more ballots shall be found in the ballot box so folded together as to present the appearance of a single ballot, they shall be destroyed if the whole number of ballots in such ballot box exceeds the whole number of ballots shown by the poll books to have been deposited therein, and not otherwise. If there lawfully be more than one ballot box for the reception of ballots voted at any one polling place, no ballot properly endorsed, found in the wrong ballot box, shall be rejected, but shall be counted in the same manner as if found in the proper ballot box, if such ballot shall not, together with the ballots found in the proper ballot box, make a total of more ballots than are shown by the poll books to have been deposited in the proper box. No ballot that has not the official indorsement shall be counted, except such as are voted in accordance with the provisions of the election law relating to unofficial ballots. The chairman only of the board of inspectors shall unfold the ballots taken from the ballot box.

Subdivision 2. Intent of electors.—No. 1. If the elector marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the elector's choice for an office to be filled, his vote shall not be counted for such office, but shall be returned as a blank vote for such office.

No. 2. If the elector shall have made a cross X mark in the circle at the head of a party ticket and before the names of individual candidates on the same ticket *only*, the voting marks in the voting spaces before the names of such candidates on such ticket shall be treated as surplusage, and his vote shall be counted for all the candidates on such ticket so marked in the circle.

No. 3. If the elector shall have made a cross X mark in the circle above the name of the party, some of whose candidates he desired to vote for, and he shall also have placed a cross X mark before the name of any candidate of any other party for any office, the cross X mark in the circle above the name of the party ticket must be deemed to have cast the elector's vote for every candidate on the ticket of such party so marked except for the candidate or candidates for the offices which are individually marked on other tickets, and the candidate or candidates so individually marked on such other ticket or tickets shall be deemed the choice of the voter for such office or offices; provided, however, that,

No. 4. Where two or more persons are to be voted for in any election district for the same office, as two or more justices of the supreme court, or presidential electors, and the names of the several candidates therefor are printed on any party ticket under the title of the office for which all are running, and the elector shall have made a voting mark in the circle at the head of the party ticket, and shall also have made a voting mark before one or more of the group of candidates for such office *on one other ticket only*, he shall be deemed to have cast his vote for all the candidates for such office on the party ticket so marked in the circle, except for such candidates of such party whose names are upon the same lines as the names of the candidates upon the other ticket so individually marked, and his vote shall be counted for the candidates of such party which he has so individually marked, unless in addition to marking the ticket in the circle at its head, he shall also have made a cross X mark before

each one of the group of candidates for such office for whom he desires to vote on the ticket thus marked in the circle; and provided, further,

No. 5. That where two or more persons are to be voted for in any election district for the same office, as presidential electors or justices of the supreme court, and the names of the several candidates therefor are printed on any party ticket under the title of the office for which all are running and the elector shall have made a voting mark in the circle at the head of the party ticket, and shall also have made a voting mark before the names of candidates for such office for which all are running, *upon more than one other party ticket*, he must also indicate by voting marks on the ticket so marked in the circle the individual candidates of the group of candidates so running upon such ticket for such office for whom he desires to vote, but if he has not, his vote shall only be counted for the candidates for such office which are individually marked.

No. 6. If the elector shall have marked a cross X mark in more than one circle at the head of the party tickets and if on either of such tickets there shall be one or more candidates for office for which no other candidate or candidates is or are named on such other ticket or tickets so marked in the circle his vote shall be counted for such candidate or candidates.

Subdivision 3. Method of counting.—The method of counting shall be as follows: The straight ballots, that is, the ballots on which all the candidates on one party ticket and no others are voted for shall be separated from the split ballots and counted, and the number of straight party votes for each candidate shall be entered in gross opposite his name on each tally sheet by each poll clerk. The chairman of the board shall then take the split ballots separately, and announce the vote for each candidate on each such ballot, in the order of the offices printed thereon, and each poll clerk shall make an accurate tally of the same. As the votes on each split ballot are counted, such ballot shall be passed to the other inspectors for verification. The poll clerks shall then add together all the votes for each candidate and the ballots wholly blank and void, together with the ballots on which no votes were counted for any candidate for such office, and shall enter the sum thereof in the proper column on the tally sheet. As soon as the count is completed for each office, the poll clerks shall submit the result to the inspectors for examination, and if found to be correct, the chairman shall at once announce the result. When a ballot is not void and an inspector of election or other election officer or duly authorized watcher shall, during the canvass of the vote, declare his belief that any particular ballot has been written upon or marked in any way for the purpose of identification, the inspectors shall write on the back of such ballot the words "objected to because marked for identification," and shall specify over their signatures upon the back thereof the mark or marking upon such ballot to which objection is made. The votes upon each such ballot shall be counted by them, as if not so objected to. If requested by any watcher the inspectors shall, during the canvass, exhibit any and all ballots cast at such election or town meeting to such watcher, fully opened, and in such a condition that he may fully and carefully read and examine the same, but such inspector shall not allow any such ballot to be taken from his hand. Any person who shall place upon any ballot taken from the ballot box any mark or marking, or who shall tear or deface any such ballot with the intent of causing such ballot to be rejected as void, shall be guilty of a felony, and shall be punished upon conviction thereof by imprisonment in a state prison for a period not less than five nor more than ten years. In cities of the first class the chairman of the board of inspectors shall, forthwith upon the completion of the count of votes for each office, respectively, and the announcement thereof, deliver to the police officer on duty at such place of canvass a statement subscribed by the board of inspectors, stating the number of votes received by each candidate for such office. Such statement shall forthwith be conveyed by the said officer to the station-house of the police precinct in which such place of canvass is located, and he shall deliver the same inviolate to the officer in command thereof, who shall immediately transmit by telegraph, telephone or messenger, the contents of such statement to the officer commanding the police department of such city. Such statement shall be preserved for six months by the police, and shall be presumptive evidence of the result of such canvass for each such office.

§ 111. Original statement of canvass and certified copies.—Upon the completion of the canvass, the board of inspectors of election shall make and sign an original statement thereof showing the kind of election, the date when held; the number of the election district; the town or ward, and the city and county in which it was held, on the first page or pages of which there shall be return of the ballots voted, following which there shall be a separate return for each office of the votes cast for each candidate therefor in the form prescribed for such returns and statement in section eighty-four of the election law. At the end of the last detailed statement of votes cast for candidates, they shall add a statement of the number of general ballots protested as "marked for identification," which ballots shall be endorsed by the inspectors "protested as marked for identification," specifying the mark or marking to which objection is made over their signatures and all of which shall be counted for the several candidates voted for thereon. The inspectors shall also make as a part of their original statement a return of the number of void ballots rejected by them, and on such ballots no vote can be counted for any candidate. Each such ballot so declared void by the inspectors shall be endorsed upon the back thereof with the specific reason for such rejection. Such void ballots shall, together with the ballots which were protested as being marked for identification be secured in a separate sealed package, which shall be indorsed on the outside thereof with the names of the inspectors, the designation of the election district, and the number and kind of ballots contained therein. Such package shall be filed by the chairman of the board of inspectors with the original statement of the canvass. If ballots are voted on any constitutional amendment, proposition or question, a similar return of the ballots and votes cast thereon shall be made and included as a part of such original statement. Such inspectors shall, whenever unofficial ballots are voted, return all such ballots in the package with the void and protested ballots. At the end of each return contained in such original statement of the canvass, and also at the bottom of each sheet, or half sheet thereof, the inspectors shall make and sign a certificate that the foregoing statement is correct. If any inspector, poll clerk or ballot clerk shall refuse to sign any return required of him by the election law he must state the grounds upon which such refusal is based upon such return over his signature. Unless such an election be an election of town, village or school officers, held at a different time from a general election, such inspectors shall forthwith and before adjourning and taking any recess make two certified copies of such original certified statement of the result of the canvass. Forthwith upon the completion of such original statement and of such certified copies thereof, and the proclamation of the result of the election as to each candidate, the ballots voted, except the void and protested ballots, shall be replaced in the box from which they were taken, together with a statement as to the number of such ballots so replaced. Each such box shall be securely locked and sealed, and shall be deposited with the officer or board furnishing such boxes. They shall be preserved inviolate for six months after such election and may be opened and their contents examined upon the order of the supreme court or a justice thereof, or a county judge of such county, and at the expiration of such time the ballots may be disposed of in the discretion of the officer or board having charge of them.

§ 112. Proclamation of result.—Upon the completion of such canvass and of the original statement and certified copies of the result thereof, the chairman of the board of inspectors shall make public oral proclamation of the whole number of votes cast at such election at such polling place for all candidates for each office; upon each proposed constitutional amendment or other question or proposition, if any, voted upon at such election; the whole number of votes given for each person, with the title of the office for which he was named on the ballot; and the whole number of votes given respectively for and against each proposed constitutional amendment or other question or proposition, if any, so submitted. The original statement of canvass and the certified copies thereof shall be securely and separately sealed with sealing wax in an envelope properly indorsed on the outside thereof by the inspectors, and shall be kept inviolate by the officers or board with whom they are filed until delivered, together with the sealed packages of void and protested ballots, to the county or city board of canvassers.

§ 113. Delivery and filing of papers relating to the election.—If the election be other than an election of town, city, village or school officers, held at a different time from a general election, the chairman of the board of inspectors of each election district, except in the cities of New York and Brooklyn, shall forthwith, upon the completion of such certified original statement of the result, deliver one certified copy thereof to the supervisor of the town in which the election, if out-

side of a city, is situated, and if in a city, to one of the supervisors of such city. If there be no supervisor, or he be absent or unable to attend the meeting of the county board of canvassers, such certified copy shall be forthwith delivered to an assessor of such town or city. One certified copy of such original statement of the result of the canvass, the poll-books of such election, and one of the tally sheets, shall be forthwith filed by such inspectors, or by one of them deputed for that purpose, with the town clerk of such town, or the city clerk of such city, as the case may be. The original certified statement of the result of the canvass, with the original ballot returned prepared by the ballot clerk attached, the sealed package of void and protested ballots, the record as to challenged and assisted voters, and the sealed packages of detached stubs and unvoted ballots, and one of the tally sheets shall, within twenty-four hours after the completion of such canvass, be filed by the chairman of the board of inspectors, with the county clerk of the county in which the election district is situated. The register of electors and public copy thereof shall be filed as prescribed in section thirty-five of the election law. In the city of New York, the original statement of canvass and the sealed package of void and protested ballots, shall be filed within twelve hours after the completion of the canvass, with the board of police commissioners, together with one of the poll-books, and one of the tally sheets, properly certified by the poll clerks. One certified copy of such original statement, one poll-book and one tally sheet shall be filed within such time with the county clerk of New York county, and the other certified copy of such original statement with the clerk of the board of aldermen. In the city of Brooklyn, the original statement of canvass, the sealed package of void and protested ballots, one of the poll-books and one of the tally sheets, properly certified by the poll clerks, shall be filed within twelve hours after the completion of the canvass with the board of elections, one of the certified copies of the original statement of the canvass, one poll-book and one tally sheet shall be filed within such time in the office of the county clerk of Kings county, and the other certified copy of such original statement with the commissioner of police of the city of Brooklyn. The sealed packages of detached stubs, and ballots not used at the election, shall, in the cities of New York and Brooklyn, be given by the inspectors to the police, who shall return them to the board of police in the city of New York, and to the board of elections in the city of Brooklyn. All such packages of detached stubs and unused ballots shall be preserved inviolate in the office in which they are filed, for a period of six months from the time of filing thereof, and may be opened and examined upon the order of the supreme court or a justice thereof, or a county judge within such county, and at the expiration of such time may be disposed of in the discretion of the officer or board having custody of the same.

§ 114. Judicial investigation of ballots.—If any certified original statement of the result of the canvass in an election district shall show that any of the ballots counted at an election therein were objected to as marked for identification, a writ of mandamus may, upon the application of any candidate voted for at such election in such district, within twenty days thereafter, issue out of the supreme court to the board or body of canvassers, if any, of the return of the inspectors of such election district, and otherwise to the inspectors of election making such statement requiring a recount of the votes of such ballots. If the court shall, in the proceedings upon such writ, determine that any such ballot was marked for the purpose of identification, the court shall order such ballot and the votes thereon to be excluded upon a recount of such votes. A like writ may in the same manner be issued to determine whether any ballot and the votes thereon which has been rejected by the inspectors as void, shall be counted. If in the proceedings upon such writ the court shall determine that the votes upon any such ballot rejected as void shall be counted, the court shall order such ballot and the votes thereon to be counted upon a recount of such votes. Boards of inspectors of election districts, and boards of canvassers, shall continue in office for the purpose of such proceedings.

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Number of Elector.	Names of Electors.	RESIDENCE OF ELECTORS. (By street and number if in a city, or a brief description of locality.)
1	Archer, George.	80 Washington St.
4	Ableman, Albert.	29 Jackson St.
8	Andrews, Robert.	Main St., near Plank Road.
11	Arkell, George E.	200 Plain St.
16	Allen, Victor.	39 Columbia St.

NOTES.

Names of voters. The law requires poll clerks to enter upon the poll-lists the names of all persons to whom a set of official ballots shall have been delivered in the alphabetical order of the first letter of his surname.

Residence of voters. The law makes it obligatory upon poll clerks to enter upon the poll-lists the residence of all voters, by street number if any, if no street number by a brief description of the locality.

Printed number on ballot stub delivered to voters. The election law makes it obligatory on the poll-clerks to enter on the poll-list in the appropriate column, the printed number upon the stubs of ballots delivered to the voter. If the ballot or set of ballots delivered to any elector shall be returned by him to the ballot clerk, and he shall obtain a new ballot or set of ballots, the poll-clerks shall write opposite his name on the poll-books, in the proper column the printed number on the stubs of such ballot or additional set of ballots. Each poll-clerk shall make a memorandum upon his poll-book opposite the name of each person who shall have been challenged and taken either of the oaths prescribed upon such challenge, or who shall have received assistance in preparing his ballot and shall also enter upon the poll-book opposite the name of such person the names of the election officers or persons who rendered such assistance, and the cause or reason assigned for such assistance by the elector assisted.

Returned ballots. Three sets of ballots can be issued to a voter to replace spoiled ballots, but a person who receives a set of ballots and returns it, neglecting to vote, and passes outside the guard-rail, shall not be permitted to pass again within the guard rail for the purpose of voting or to receive any further ballots.

Number on Ballots delivered to Electors.	Number on Ballots Voted.	REMARKS.
27	27	Challenged.
97	97	
102	102	Blind, assisted by _____.
106 109	109	
140	140	

Ballot-boxes and ballots deposited. "There shall be but one ballot box at each polling place for receiving all ballots cast for candidates for office, which box shall be conspicuously marked 'Box for general ballots.' There shall also be a ballot box for the reception of ballots found to be defective in printing, or mutilated before delivery to electors, and for ballots spoiled and returned by electors, which box shall be conspicuously marked 'Box for spoiled and mutilated ballots.' There shall also be a box for detached ballot stubs, which box shall be conspicuously marked, 'Box for detached ballot stubs.' If proposed constitutional amendments, or other propositions or questions may lawfully be voted upon thereat, there shall be a separate ballot box at each polling place for the reception of ballots upon such amendments or propositions, or questions, which box shall be marked conspicuously, 'Box for questions submitted.'"

Remarks. Under the head of remarks each poll-clerk shall make a memorandum upon his poll book opposite the name of each person who shall have been challenged or taken either of the oaths prescribed upon such challenge, or who shall have received assistance in preparing his ballot and shall also enter upon the poll-book opposite the name of such person the names of the election officers or persons who rendered such assistance, and the cause or reason assigned for such assistance by the elector assisted.

NUMBER OF ELECTOR.	NAMES OF ELECTORS.	RESIDENCE OF ELECTORS. By Street and Number if in a city, or a brief description of locality.	REMARKS.	
			Number on Ballots delivered to Electors.	Number on Ballots Voted.
19	Akerley fred	Brill Run	1	1
45	Akerley M. C.	greeneville	1	1
65	Akerley Orvil	Sundown	1	1

NUMBER OF ELECTOR.	NAMES OF ELECTORS.	RESIDENCE OF ELECTORS.	REMARKS.	
			Number on Ballots delivered to Electors.	Number of Ballots Voted.
15	Brooks George	Snowdown	1	1
18	Barnes Harvey	Peakamoose	1	1
31	Brammer George	" " "	1	1
32	Brooks John H	Snowdown	1	1
33	Barnes John S	Peakamoose	1	1
36	Barnes Charles	1 C	1	1
44	Barnes Clare	1 C	1	1
46	Brooks Isaac	Snowdown	1	1
50	Brooks Grant	" " "	1	1

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NAMES OF ELECTORS.

RESIDENCE OF ELECTORS.

By Street and Number if in a city, or a
brief description of locality.

REMARKS.

NUMBER OF ELECTOR.	NAMES OF ELECTORS.	RESIDENCE OF ELECTORS.	REMARKS.	
			Number on Ballots delivered to Electors.	Number on Ballots Voted.
7	Gross Francois	Snndown	1	1
16	Gross Isaac	" "	1	1
21	Coddington Jacob	Bull Run	1	1
24	Coddington Jacob Jr	" "	1	1
38	Gross George	Snndown	1	1
58	Coddington John	Bull Run	1	1
61	Commitryman Jesse	Snndown	1	1
62	Coddington Alfred	Bull Run	1	1

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NAMES OF ELECTORS.

RESIDENCE OF ELECTORS.

By Street and Number if in a city, or a
brief description of locality.

REMARKS.

NUMBER OF ELECTOR.	NAMES OF ELECTORS.	RESIDENCE OF ELECTORS.
6	Dean Allens	Sundown
9	Dufois Norman	" "
28	Donovan Frank	Bull Run
56	Dean Henry C	Sundown

Number on
Ballots delivered
to Electors.Number on
Ballots Voted.D
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NAMES OF ELECTORS.

RESIDENCE OF ELECTORS.

By Street and Number if in a city, or a
brief description of locality.

REMARKS.

42 Empt Philip
63 Empt Frederic

greenville

Number on
Ballots delivered
to Electors.Number on
Ballots Voted.E
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NAMES OF ELECTORS.

RESIDENCE OF ELECTORS.

By Street and Number if in a city, or a
brief description of locality.

REMARKS.

2 Fuller Walter S

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Number on
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to Electors.Number on
Ballots Voted.F
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NAMES OF ELECTORS.

RESIDENCE OF ELECTORS.

By Street and Number if in a city, or a
brief description of locality.

REMARKS.

NUMBER OF ELECTOR.	NAMES OF ELECTORS.	RESIDENCE OF ELECTORS.
12	Greene George	Greenville
13	Greene Charles	" "
14	Greene Seth	" "
22	Green Jesse	" "
30	Green Horatio	" "
41	Greene William	" "
48	Greene Nlysses	" "

Number on
Ballots delivered
to Electors.Number on
Ballots Voted.G
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NAMES OF ELECTORS.

RESIDENCE OF ELECTORS.

By Street and Number if in a city, or a
brief description of locality.

REMARKS.

NUMBER OF ELECTOR.	NAMES OF ELECTORS.	RESIDENCE OF ELECTORS.	REMARKS.	
			Number on Ballots delivered to Electors.	Number on Ballots Voted.
8	Hornbeck Samuel	Summerton	1	1
10	Hanson Jacob	1 1	1	1
20	Hanson Willicom	Bull Run	1	1
23	Hanson James &	Summerton	1	1
51	Hill George	Greenville	1	1
59	Hornbeck William	Summerton	1	1
60	Aldrich Sall	Bull Run	1	1

Number on
Ballots delivered
to Electors.Number on
Ballots Voted.H
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NAMES OF ELECTORS.

RESIDENCE OF ELECTORS.

By Street and Number if in a city, or a
brief description of locality.

REMARKS.

43

Jones Gns

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Number on
Ballots delivered
to Electors.Number on
Ballots Voted.J K
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NUMBER
OF
ELECTORS.

NAMES OF ELECTORS.

RESIDENCE OF ELECTORS.

By Street and Number if in a city, or a
brief description of locality.

Number on
Ballots delivered
to Electors.

Number on
Ballots Voted.

REMARKS.

L M N O P Q R S T U V W Y Z

NAMES OF ELECTORS.

RESIDENCE OF ELECTORS.

By Street and Number if in a city, or a
brief description of locality.

REMARKS.

1 Mary Bennett E
25 Mulford John
54 Moe Romaine
55 Mulford Francis

Sundown

" "

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" "

1 1

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1 1

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NAMES OF ELECTORS.

RESIDENCE OF ELECTORS.

By Street and Number if in a city, or a
brief description of locality.

Number on
Ballots delivered
to Electors.

Number on
Ballots Voted.

REMARKS.

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NAMES OF ELECTORS.

RESIDENCE OF ELECTORS.

By Street and Number if in a city, or a
brief description of locality.

Number on
Ballots delivered
to Electors.

Number on
Ballots Voted.

REMARKS.

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NUMBER
OF
ELECTOR.

NAMES OF ELECTORS.

RESIDENCE OF ELECTORS.

By Street and Number if in a city, or a
brief description of locality.

REMARKS.

Number on
Ballots delivered
to Electors.

Number on
Ballots Voted.

P Q R S T U V W Y

29 Rose Edward
37 Rose Samuel
39 Rose Peter

Summerville
1 0
1 0

NAMES OF ELECTORS.

RESIDENCE OF ELECTORS.

By Street and Number if in a city, or a
brief description of locality.

REMARKS.

3 Shely Riley J.
4 Shely Willis
11 Stickle George M
27 Shely Alexander
35 Shely Paul M
53 Stickle Wm R

Summerville
/ /
Bull Run
Summerville
Bull Run
/ /

Number on
Ballots delivered
to Electors.Number on
Ballots Voted.

S T U V W Y

NAMES OF ELECTORS.

RESIDENCE OF ELECTORS.

By Street and Number if in a city, or a
brief description of locality.

REMARKS.

17 Terfush Lewis Snndown
52 Terfush Benjamin " "

Number on
Ballots delivered
to Electors.Number on
Ballots Voted.

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1 1

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NAMES OF ELECTORS.

RESIDENCE OF ELECTORS.

By Street and Number if in a city, or a
brief description of locality.

5 Van Wagner Elmer Snndown
47 Vanacken Eligah & C
67 Van Wagner Allen . .

REMARKS.

Number on
Ballots delivered
to Electors.Number on
Ballots Voted.

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NAMES OF ELECTORS.

RESIDENCE OF ELECTORS.

By Street and Number if in a city, or a
brief description of locality.

26	Warren Henry J	Prakamose
34	Wright Addison	Bull Run
40	Wright James E	Smundown
49	Wright Henry	()
51	Wright John D	()
64	Wright Wallace	()
66	Wright William G	()

REMARKS.

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NAMES OF ELECTORS.

RESIDENCE OF ELECTORS.

By Street and Number if in a city, or a
brief description of locality.

Number on
Ballots Delivered
to Electors.

Number on
Ballots Voted.

REMARKS.

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D

